P.R. No. 3545/05
Presented by Shri Manish Vijayvargiya
dated 29/9/05

COURT FEE INDIA TEN RUPEES CANCELLED

(B) (1)

Full Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

M.C.C. NO.....210/2005

APPLICANT Sudiep Shrivastava

Versus

NON-APPLICANT State of Chhattisgarh & others.

APPLICATION OF REVIEW OF THE ORDER MADE IN W.P. NO. 3642/2004

(31)

(76)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.C.C. 210/05 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	FULL BENCH **HON'BLE SHRI A.K. PATNAIK, CJ.** **HON'BLE SHRI FAKHRUDDIN, J.** **& HON'BLE SHRI L.C. BHADOO, J.** **29-09-2005** **M.C.C. No. 210 of 2005.** Heard Mr. Prateek Sharma, learned counsel for the Petitioner, Mr. Prashant Mishra, learned Addl. Advocate General with Mr. Sandeep Dubey, Govt. Advocate for the State of Chhattisgarh and Mr. Manindra Shrivastava, learned Sr. Advocate with Mr. Amrito Das, learned counsel for the Guru Ghasidas Univesity / CIMS. This is an application filed by one Sudiep Shrivastava for review of our Judgment and order dated 23.09.2005 in W.P. No.3642 of 2004. Mr. Prateek Sharma, learned counsel for the petitioner submitted that in our said Judgment and order we have made it clear that those amongst the students who were entitled to admission to the 41 seats on the basis of their merit in the merit list but have been admitted to the payment seats in the academic session will be liable to pay only Rs.34,500/- per annum and the remaining students will continue to pay the fees of Rs.2,50,000/- because they were not entitled to admission to the 41 seats as per their merit and had agreed to pay Rs.2,50,000/- at the time of admission. He submitted that the reservation policy, as discussed in the rules for admission to the MBBS Course in CIMS will have to be applied for the purpose of determination as to who amongst the candidates would be entitled to admission in the 41 so called payment seats and for this purpose this review application is filed.	

XI-HC-78

(92)

(77)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.C.C. 210/05 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

We are afraid, this review application is misconceived. By the said Judgment and order dated 23.09.2005 in W.P. No.3642 of 2004 we have only decided the issue as to whether the CIMS would be entitled to collect the fees higher than Rs.34,500/- from the candidates admitted to so called payment seats and we have held that the CIMS would not be entitled to collect higher fees of Rs.2,50,000/- for the academic session 2004-2005 and Rs.1,90,000/- for the academic session 2005-2006 from 41 candidates who were entitled to admission on the basis of their merit in the so called payment seats and they can collect only Rs.34,500/- from them as they have collected in the case of the students admitted to the free seats.

In para 27 of the Judgment and order while disposing of the W.P. No.3642 of 2004 we have further directed that the writ petitions be listed before the learned Single Judge who will consider the facts of each case in the light of the principles and observations laid down in the Judgment after hearing the learned counsel for the parties and pass final orders after taking into consideration the interim orders, if any, passed in the case. Hence, the applicant may move the learned Single Judge for relief.

The M.C.C. stands disposed of accordingly.

Sd/-
Chief Justice

Sd/-
Fakhruddin
Judge

Sd/-
L.C.BHADOO
Judge

Subba